

Serial No. 10/798,635

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REMARKS

By this amendment, claim 1 has been amended to include additional limitations, as well as the limitations of claim 9. Accordingly, only the rejection to claim 9 will be addressed.

Claim 9 was rejected under 35 U.S.C. §103(a) over U.S. Publication No. 2003/0178614 to Venegas, Jr. in view of U.S. Patent No. 6,186,274 to Reynolds et al. The Examiner concedes that Venegas does not disclose tethers to secure infill material with [sic] pipes, but argues that it would have been obvious to use the tether-rings of Reynolds "to secure the infill panel with horizontal or vertical pipes in order to have more degrees of freedom for installation and maintenance of the barrier." This does not appear to Applicant to make sense. First, the "tethers" are not to provide more degrees of freedom for installation or maintenance of the barrier, but rather, are to keep the infill panel from traveling too far during an explosion, for example. While Applicant is fully aware that functional limitations may have little, if any, limitations concerning patentable subject matter, in this case, there would be no reason whatsoever to add "tether rings" or anything of the sort to Venegas, since Venegas is simply a handrail system with panels for digital obscuration. Accordingly, *prima facie* obviousness has not been established. The Examiner will note that claim 1 also includes the further limitation of fasteners between the infill area and the horizontal or vertical pipes which "break away upon a predetermined force."

Based upon the foregoing amendment and comments, Applicant believes all pending claims are in condition for allowance. Questions regarding this application may be directed to the undersigned attorney by telephone, facsimile or electronic mail.

Respectfully submitted,

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